APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,678	11/19/2003	Jager Hayo	RSW920030155US1	9318

			EXAMINER
48816	7590	06/14/2005	PRETLOW, DEMETRIUS R

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ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 November 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *8-13 and 21-24* is/are allowed.

6)☒ Claim(s) *1,3,14 and 16* is/are rejected.

7)☒ Claim(s) *2,4-7 and 15-20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *11/19/2003*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claim 3 recites the limitation "the analyzing" in line 3. There is insufficient

antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the analyzing" in line 4. There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

Claims 1 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Van

Gerwen et al. (US 4,903,247). Given the broadest interpretation, in reference to claim 1,

Van Gerwen et al. teach receiving first event data corresponding to a first filter from the

plurality of filters (two filters), the first filter including first filtering properties (coefficients);

Note column 18, lines 1-4. Van Gerwen et al. teach receiving second event data

corresponding to a second filter from the plurality of filters, the second filter including

second filtering properties (coefficients); Note column 18, lines 5-8. Van Gerwen et al.

teach determining whether to change filtering properties of at least one of the plurality of

filters using the first event data and the second event data; Note column 18, lines 10-12.

(Forming an error signal suggests determining). Van Gerwen et al. teach changing the

filtering properties of at least one of the plurality of filters in response to the

determination. Note column 18, lines 13-17.

In reference to claim 14, Claim 14 contain the limitations above. The software

code of claim 14 would be programmed into the adaptation processor (13). Note column

8, lines 9-10.

Claim Objections

Claims 2-7 and 15-20 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

Claims 2,15, would be allowed because the prior art of record particularly Van

Gerwen et al. (US 4,903,247) does not teach the method steps of assigning first

filtering properties to the second filter; and assigning second filtering properties to the

first filter. It is this step found in each of the claims, as it is claimed in the combination,

that has not been found, taught or suggested by the prior art of record which makes

these claims allowable over the prior art.

Claims 3,16 would be allowed if the formal matters above are overcome, and

because the prior art of record particularly Van Gerwen et al. (US 4,903,247) does not

teach the method steps of detecting whether to reconfigure the first filter in response to the analyzing, the reconfiguring including adjusting the first filtering properties; and reconfiguring the first filter in response to the detecting.

Claims 4,17 would be allowed if the formal matters above are overcome, because the prior art of record particularly Van Gerwen et al. (US 4,903,247) does not teach the method steps of identifying whether to configure the first filter as an exception filter, the exception filter configuring including portions of the first filter properties and portions of the second filter properties; and configuring the first filter as the exception filter in response to the identifying.

Claims 5-6,18-19 would be allowed if the formal matters above are overcome, because the prior art of record particularly Van Gerwen et al. (US 4,903,247) does not teach the method steps of retrieving historical trend data; and configuring the first filter and the second filter corresponding the historical trend data.

Claims 7,20 would be allowed if the formal matters above are overcome, because the prior art of record particularly Van Gerwen et al. (US 4,903,247) does not teach the method steps of identifying an event type with a highest occurrence number using the first event data and the second event data; and comparing the identified event type with the first filtering properties.

Allowable Subject Matter

Claims 8-13, 21-24 are allowed.

The primary reason for the allowance of claims 8-13 is the inclusion of the limitations of an one or more monitor points, one or more nonvolatile storage devices accessible by

the processors and a filter handling tool for dynamically managing the plurality of filters, the filter handling tool including software code effective to: receive first event data from one of the monitor points corresponding to a first filter from the plurality of filters, the first filter including first filtering properties; receive second event data from one of the monitor points corresponding to a second filter from the plurality of filters, the second filter including second filtering properties; determine whether to change filtering properties of at least one of the plurality of filters using the first event data and the second event data; and change the filtering properties of at least one of the plurality of filters response to the determination. It is these limitations found in each of the claims, as they are **claimed in the combination**, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claim 21 is the inclusion of the method steps of assigning first filtering properties to the second filter; and assigning second filtering properties to the first filter. It is these steps found in each of the claims, as it is **claimed in the combination**, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claim 22 is the inclusion of the method steps of retrieving historical trend data, wherein the historical trend data is based upon a timeline, and wherein the timeline is selected from a group consisting of a time of day, a time of month, and a time of year; pre-configuring a first filter and a second filter

corresponding to the historical trend data. It is these steps found in each of the claims, as it is **claimed in the combination**, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 23 is the inclusion of the limitations of one or more monitor points, one or more nonvolatile storage devices accessible by the processors and a filter handling tool for dynamically managing the plurality of filters, the filter handling tool including software code effective to: receive first event data from one of the monitor points corresponding to a first filter from the plurality of filters, the first filter including first filtering properties; receive second event data from one of the monitor points corresponding to a second filter from the plurality of filters, the second filter including second filtering properties; determine whether to change filtering properties of at least one of the plurality of filters using the first event data and the second event data; and change the filtering properties of at least one of the plurality of filters response to the determination; assign first filtering properties to the second filter; and assign second filtering properties to the first filter. It is these limitations found in each of the claims, as they are **claimed in the combination**, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claim 24 is the inclusion of the method steps of change the filtering properties of at least one of the plurality of filters in response to the determination, wherein the software code is further effective to: assign first filtering properties to the second filter; and assign second filtering properties to the first filter. It

is these steps found in each of the claims, as it is **claimed in the combination**, that has

not been found, taught or suggested by the prior art of record which makes these claims

allowable over the prior art.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Demetrius R. Pretlow whose telephone number is (571)

272-2278. The examiner can normally be reached on Mon.-Fri. 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. ·

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Demetrius R. Pretlow   Demetrius Pretlow   6/8/05

Patent Examiner

**BRYAN BUI
PRIMARY EXAMINER**

6/13/05